

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 6/21/2022

JAMES MURPHY *for himself and on behalf of all other persons similarly situated,*

Plaintiff,

-against-

RIEDELL SHOES, INC.,

Defendant.

1:22-cv-1362-MKV

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a Complaint on February 17, 2022. [ECF No. 1].

Plaintiff did not file proof of service and summons of the Complaint by May 18, 2022, as required by Federal Rule of Civil Procedure 4(m). Accordingly, on May 20, 2022, the Court directed Plaintiff to serve the defendant and file proof of service on the docket on or before June 17, 2022, and warned that “[i]f service [is not] made on or before June 17, 2022, and if plaintiff fails to show cause, in writing, why service has not been made, the complaint will be dismissed for failure to prosecute pursuant to Rules 4 and 41 of the Federal Rules of Civil Procedure.”

[ECF No. 5].

Plaintiff has not filed proof of service of summons and complaint as required by the Court’s May 20 Order, and Plaintiff has not prosecuted this case to date. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court’s calendar if the application to restore the action is made by July 22, 2022. If no such application is made by that date, today’s dismissal of the action is with prejudice. *See LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

Date: June 21, 2022
New York, NY

Mary Kay Vyskocil
MARY KAY VYSKOCIL
United States District Judge